

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN ALFRED GOBERT,

Defendant.

CR-11-47-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 6, 2016. (Doc. 99.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and

Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 4, 2016. (Doc. 95.) Gobert admitted that he violated conditions of his supervised release. The violations are serious and warrant revocation of Gobert's supervised release. Judge Johnston recommends that this Court revoke Gobert's supervised release and that the Court sentence Gobert to three months imprisonment followed by 50 months of supervised release. (Doc. 99 at 6.) Judge Johnston recommends that the conditions of release be continued. *Id.*

Gobert registers a criminal history category of I. The current offense registers as a Grade C violation, and the underlying offenses register as Class A and Class C felonies. The Court could sentence Gobert to 60 months imprisonment. Under the applicable guideline, the Court could impose a term of supervised release up to 60 months, less any custodial time imposed on Count I and up to 24 months, less any custodial time imposed on Count II.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Gobert's violations of his conditions represent a serious breach of the Court's trust. A sentence of three months of imprisonment with a term of 50 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 99) is **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Kevin Alfred Gobert be sentenced to three months imprisonment followed by 50 months of supervised release.

DATED this 25th day of January, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris
United States District Court Judge